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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,762	07/22/2002	Nicholas Luke Bennett	007051.P013	2845

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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/089,762		BENNETT, NICHOLAS LUKE	
	Examiner		Art Unit	
	Binh-An D. Nguyen		3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 6-10, 14-16, 19-29, 31-38, 40-42, 44, 45, 47, 50, 51, 53, 54, 58-60, 65-73, 75-82, 84-86, and 88-96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1, 3, 6-10, 14-16, 19-29, 31-38, 40-42, 44, 45, 47, 50, 51, 53, 54, 58-60, 65-73, 75-82, 84-86, and 88-96

DETAILED ACTION

The Amendment filed September 22, 2005 has been received. According to the Amendment, claims 11, 17, 18, 52, 55, 61, 63, and 64 have been canceled; claims 2, 4, 5, 12, 13, 30, 39, 43, 46, 48, 49, 56, 57, 62, 74, 83, and 87 have previously been canceled; claims 1, 9, 14, 19, 22, 27, 34, 45, 53, 54, 58, 59, 66, and 71 have been amended; and new claims 89-96 have been added.

Currently, claims 1, 3, 6-10, 14-16, 19-29, 31-38, 40-42, 44, 45, 47, 50, 51, 53, 54, 58-60, 65-73, 75-82, 84-86, and 88-96 are pending in the application.

Acknowledgment has been made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 6-10, 14-16, 19-29, 31-37, 41, 45, 47, 50, 51, 53, 54, 58-60, 65-73, 75-81, 85, and 89-96 are rejected under 35 U.S.C. 102(b) as being anticipated by Baerlocher et al. (5,788,573).

Referring to claims 1, 45, and 89, Baerlocher et al. teaches a gaming console (or system) comprising at least one display (Figs. 1 and 6), and game controller arranged to control images displayed on the display, the game control means being arranged to play

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a first game (e.g., electronic slot game) (4:1-3) displayed on the display means (Fig.2) and, if a winning combination results, the console (or system) pays a prize; the console being characterized in that the game controller is further arranged to play a dynamic game feature (bonus or secondary game, i.e., wheel game)(4:38-45) whereby a feature game occurs upon a first trigger condition of the first game (4:38-45), said feature game including an outcome altering stage and a subsequent random outcome indicating stage (e.g., outcomes form spinning wheels), and wherein a second trigger condition influences one or more gameplay aspects of the feature game such as to alter the likelihood of occurrence of at least one possible outcome within a set of possible outcomes of the feature game during said outcome altering stage, wherein said feature game includes an outcome indicator having a plurality of outcome indicating parts (e.g., wheel having outcome slots, Fig.4) for displaying a plurality of outcomes of said set of possible outcome, and a selector for randomly selecting one of the outcome indicating parts during said random outcome indicating stage, and wherein said second trigger condition is operable, prior to said random outcome indicating stage, to change at least one outcome displayed on the outcome indicator (i.e., spinning the wheel and obtain an outcome from the set of outcomes when the wheel stopped)(5:45-6:15).

Referring to claims 3, 6, 7, 47, 50, and 51, Baerlocher et al. teaches the first trigger condition arises upon the occurrence of a given combination of symbols during the play of the first game; the first trigger condition arises when a random number coincides with a number of credits bet on the first game (number of coins bet ranging from minimum to maximum); the second trigger condition arises during the first game

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(triggers resulted from the game outcome); the first trigger condition arises upon the occurrence of a player accumulation of a predetermined number of bonus points (4:11-24; 5:1-30).

Referring to claims 8-10, 14, 52-54, and 58 Baerlocher et al. teaches the second trigger condition arises upon the occurrence of a given symbol during the play of the first game (e.g., trigger to provide bonus game); the second trigger condition arises upon the occurrence of a given combination of symbols during the play of the first game; the second trigger condition arises upon the occurrence of a player accumulation of a predetermined number of bonus points (5:1-30).

Referring to claims 15-17, 19-26, 59-61, and 63-70, Baerlocher et al. teaches the first game is a bonus game which has come about during play on the console (4:11-37); the second trigger condition arises within a bonus game which has come about during play of the console; the second trigger condition arises within a bonus game which has been triggered by the first trigger condition that has arisen during play of the first game; the second trigger condition arises from a user selection of an aspect of the feature game; the user selection occurs as a result of occurrence of the first trigger condition; second trigger condition alters the probability of occurrence of a winning outcome of the feature game (e.g., spinning wheel or modifying wheel); the second trigger condition alters the value of an available prize prior to or during gameplay of the feature game (e.g., spinning wheel); the second trigger condition alters the number of winning opportunities in the feature game (e.g., spinning wheel); the second trigger condition alters a total number of possible outcomes of the feature game (e.g., spinning wheel);

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the second trigger condition alters the interaction of the feature game with other games (e.g., continuing with the bonus game if winning or returning to the primary game if loosing bonus game); the second trigger condition alters the interaction of the feature game with other consoles in a distributed network of gaming machines including the console (winning progressive jackpot)(8:59-9:12).

Referring to claims 27-29, 31-34, 71-73, and 75-78, Baerlocher et al. teaches more than one type of first trigger condition may occur in the first game, and a corresponding one of a plurality of feature game types occurs depending on which type of first trigger condition arises (i.e., feature game of selecting envelopes or spinning reels)(5:1-65); repeated occurrences of the second trigger condition each influences gameplay aspects of the feature game (i.e., resulting in playing different wheel games)(7:31-60); the first game is of a style which creates a matrix of symbols and pays prizes for the occurrence of predetermined combinations in the matrix (i.e., reels with different icons and pay lines)(Fig.2); an occurrence of a given symbol in a predetermined position of the matrix constitutes the second trigger condition (using results of primary game to trigger wheel game); the first game pays a prize for the occurrence of a winning combination along certain paylines in the matrix, and wherein the occurrence of a winning combination along a predetermine one of said paylines constitutes the first trigger condition (4:58-67); the first game pays a prize for the occurrence of a winning combination along certain paylines in the matrix, and wherein the occurrence of a winning combination along a predetermined one of said paylines constitutes the second trigger condition (4:58-5:30); the feature game takes the form of

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a wheel divided into a number of sectors, some of the sectors indicating a prize, and wherein if gameplay of the feature game concludes with indicator indicating one of the sectors indicating a prize, the prize indicated by that sector is awarded (Figs. 4-6).

Referring to claims 35-37 and 79-81, Baerlocher et al. teaches the feature game comprises spinning of the wheel; gameplay of the feature game comprises movement of an indicator circumferentially around the wheel (e.g., using wrap around effect)(10:2-6); occurrence of the second trigger condition causes the introduction to the feature game of an additional indicator (e.g. modifying wheel indicia)(7:1-30).

Note, the limitation of feature game takes the form of a spinning reel game (claims 41 and 85) is inherent from the feature of the primary game wherein the reel game is repeated to obtain uncovered letters (4:58-67).

Further, note that, the claimed first and second triggers are interpreted as different type of triggers as the result of playing primary and secondary game of Baerlocher et al.

Referring to claims 91-93, Baerlocher et al. teaches said set of possible outcomes include at least one winning outcome and at least one losing outcome (e.g., outcome slots of the wheel)(Fig.4), and said second trigger condition is arranged to cause the ratio of winning to losing outcomes to be increased (e.g., increase bonus play would increase winning chances); said second trigger condition is arranged to cause the at least one winning outcome to be added to at least one of said outcome indicating parts (5:31-6:15); said outcome indicator is a spinning wheel, said plurality of outcome indicating parts are sectors of the wheel, including at least one blank sector

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corresponding to a losing outcome, and wherein said second trigger condition causes a prize to be added to the blank sector of said wheel to convert it to a winning outcome (5:31-6:15)(Fig.4); and said first and second trigger conditions are triggered independently of one another (i.e., slot machine trigger is independent from spinning wheel trigger).

Referring to claims 94-96, wherein said set of possible outcomes includes at least one lower winning outcome and at least one higher winning outcome, whereby the likelihood of occurrence of said lower or higher winning outcome is altered (claim 94); the likelihood of occurrence of said lower winning outcome is altered by the changing of said lower winning outcome for said higher winning outcome (claim 95); and the at least one displayed outcome is changed by replacing it with another outcome (claim 96), these limitations are inherent from the wheel modification of Baerlocher et al. (7:9-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38, 40, 42, 44, 82, 84, 86, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher et al. (5,788,573) in view of Adams (5,911,418).

Baerlocher et al. teaches all limitations of claims 1, 3, 6-10, 14-16, 19-29, 31-37, 41, 45, 47, 50, 51, 53, 54, 58-60, 65-73, 75-81, 85, and 89-96 above. Baerlocher et al. does not explicitly teach the limitations of causing a prize to be added to a blank sector of the wheel (claims 38 and 82); providing an opportunity for the player to pay to add winning sectors to the wheel (claims 40 and 84). Baerlocher et al., however, teaches modifying the indicia of the wheel's sector (7:10-44), wherein at least one of the wheel's sectors having zero value and at least a prize (Figs. 2, 4, 5). Further, Adams teaches a system and method of playing card games with an additional payout indicator comprising paying (wagering) to play a bonus game wherein the bonus game comprises a wheel having prizes or winning sectors. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the gaming system having modifiable spin wheel of Baerlocher et al. with the bonus game having wagering option, as taught by Adams, to come up with a challengeable bonus game that brings excitement to casino game thus attract more players to slot gaming and bring forth more profit.

Regarding the limitation of the feature game is a board game and causing a prize to be added to a blank segment of the board game (claims 42 and 86); and providing an opportunity for the player to pay to add winning segments to the board (claims 44 and 88), these are an alternative design choice. Further, it would have been obvious to a person of ordinary skill in the art to utilize different types of well known bonus games in the art as alternative to the wheel game.

Response to Arguments

Applicant's arguments filed September 22, 2005 have been fully considered but they are not persuasive.

Applicant argued that Baerlocher et al. does not teach or suggest a second trigger condition influencing one or more game play aspects of the feature game such as to alter the likelihood of occurrence of at least one possible outcome or a set of possible outcomes of the feature game (Applicant's remark, page 23, line 17 to page 24, line 17; and page 25, line 4 to page 26, line 12) is deemed not to be persuasive. Baerlocher et al. teaches a gaming console (or system) comprising a first game (e.g., electronic slot game)(4:1-3) displayed on the display means (Fig.2) and, if a winning combination results, the console (or system) pays a prize; the console being characterized in that the game controller is further arranged to play a dynamic game feature (bonus or secondary game, i.e., wheel game)(4:38-45) whereby a feature game occurs upon a first trigger condition of the first game (4:38-45), said feature game including an outcome altering stage and a subsequent random outcome indicating stage (e.g., outcomes form spinning wheels), and wherein a second trigger condition influences one or more gameplay aspects of the feature game such as to alter the likelihood of occurrence of at least one possible outcome within a set of possible outcomes of the feature game during said outcome altering stage, wherein said feature game includes an outcome indicator having a plurality of outcome indicating parts (e.g., wheel having outcome slots, Fig.4) for displaying a plurality of outcomes of said set of possible outcome, and a selector for randomly selecting one of the outcome indicating

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parts during said random outcome indicating stage, and wherein said second trigger condition is operable, prior to said random outcome indicating stage, to change at least one outcome displayed on the outcome indicator (i.e., spinning the wheel and obtain an outcome from the set of outcomes when the wheel stopped)(5:45-6:15). Thus, Baerlocher et al. clearly anticipated applicant's claimed limitation of second trigger condition influencing one or more game play aspects of the feature game such as to alter the likelihood of occurrence of at least one possible outcome or a set of possible outcomes of the feature game.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Baerlocher et al. teaches a gaming console (or system) comprising a first game (e.g., electronic slot game)(4:1-3) displayed on the display means (Fig.2) and, if a winning combination results, the console (or system) pays a prize; the console being characterized in that the game controller is further arranged to play a dynamic game feature (bonus or secondary game, i.e., wheel game)(4:38-45) whereby a feature game occurs upon a first trigger condition of the first game (4:38-45), said feature game including an outcome altering stage and a subsequent random outcome indicating stage (e.g., outcomes form

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spinning wheels), and wherein a second trigger condition influences one or more gameplay aspects of the feature game (i.e., spinning the wheel and obtain an outcome from the set of outcomes when the wheel stopped)(5:45-6:15); Baerlocheret al. further teaches modifying the indicia of the wheel's sector (7:10-44), wherein at least one of the wheel's sectors having zero value and at least a prize (Figs. 2, 4, 5); and Adams teaches a system and method of playing card games with an additional payout indicator comprising paying (wagering) to play a bonus game wherein the bonus game comprises a wheel having prizes or winning sectors. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the gaming system having modifiable spin wheel of Baerlocheret al. with the bonus game having wagering option, as taught by Adams, to come up with a challengeable bonus game that brings excitement to casino game thus attract more players to slot gaming and bring forth more profit.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BN

Handwritten signature of Robert Olszewski, dated 11/22/07.

ROBERT OLSZEWSKI
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